UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,037	06/25/2003	Geoffrey John Elliott	MS1-1476US	3952

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EXAMINER
AUGUSTINE, NICHOLAS

ART UNIT	PAPER NUMBER
2179	

DATE MAILED: 12/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/606,037	ELLIOTT ET AL.
	Examiner	Art Unit	
	Nicholas Augustine	2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *25 June 2003*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-56* is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-56* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *25 June 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All   b)☐ Some * c)☐ None of:

         1.☐ Certified copies of the priority documents have been received.

         2.☐ Certified copies of the priority documents have been received in Application No. _____.

         3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *6/25/2003*.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____ .

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed
> publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2.   Claims 1-56 are rejected under 35 U.S.C. 102(a) as being anticipated by @MAX

Software (@MAX Tray Player version 0.97b).

As for independent claim 1, @MAX teaches a user interface comprising: a graphical

interface that enables a user to select media-playing services (pg.2, par.6, line 1),

wherein the graphical interface is integrated into an operating system shell's user

interface (pg.2, par.1, lines 2-3) and (fig.1).

As for dependent claim 2, @MAX teaches the user interface of claim 1, wherein the

graphical interface further enables the user to select media-playing services with a

single click of a mouse (pg.2, par.4, line 1).

As for dependent claim 3, @MAX teaches the user interface of claim 1, wherein the graphical interface further enables the user to select media-playing services with a single click of a mouse when another application running in another process is in perspective (pg.2, par.4, line 1 and fig.9).

As for dependent claim 4, @MAX teaches the user interface of claim 3, wherein the perspective includes the other application being in focus (fig.9).

As for dependent claim 5, @MAX teaches the user interface of claim 1, wherein the graphical interface further enables the user to select media-playing services without altering a perspective of another application running in another process (fig.9; it is well appreciated that the user can be in focus with another program and then decides to change a media file with a single click of the button, since the media player is designed in the task bar it is out of reach/ interference with the current program being used from the user, thus allowing the user to interact with the media player with out interfering with the current program being used.)

As for dependent claim 6, @MAX teaches the user interface of claim 1, wherein the graphical interface includes control buttons for selection of the media-playing services (fig.1).

As for dependent claim 7, @MAX teaches the user interface of claim 1, wherein the

graphical interface includes control buttons for selection of the media-playing services including services that stop and pause a first media file being played and start a second media file (fig.3; wherein the user has access to multiple files and wherein has all control to them such as play, stop and pause. Also it is well appreciated in the art that when a file has reached the end a new file, in order or randomly picked will be played upon completion of previous file).

As for dependent claim 8, @MAX teaches the user interface of claim 1, wherein the graphical interface includes a control button for selection of the media-playing services including a service that alters a size for a presenting of a visual aspect of a media file (fig.12).

As for dependent claim 9, @MAX teaches the user interface of claim 1, wherein the graphical interface includes a control button for selection of the media-playing services including a service that alters a volume for a playback of an audio aspect of a media file (fig.10).

As for dependent claim 10, @MAX teaches the user interface of claim 1, further comprising: a visual space for presenting of visual media (fig.3; it is apparent that there exist a visual space as seen in figure 3, which is displaying visual media currently depicted).

As for dependent claim 11, @MAX teaches the user interface of claim 1, further

comprising: a visual space for presenting of visual media; wherein the graphical

interface enables the user to select media-playing services to alter the presenting in the

visual space (fig. 12 for alternating the size of the presentation and fig. 3 for selecting

the visual media or combination of media there of and also fig. 10 for selecting the play

back of media (i.e. repeat shuffle normal / playback).

As for dependent claim 12, @MAX teaches the user interface of claim 1, further

comprising: a visual space for presenting metadata associated with a media file (fig.6;

wherein metadata is being displayed in the visual area related to the media).

As for dependent claim 13, @MAX teaches the user interface of claim 1, further

comprising: a visual space for presenting metadata associated with a media file,

wherein the graphical interface enables the user to select media-playing services to

present metadata associated with the media file (fig.6, showing a display of metadata

with associated media files).

As for independent claim 14, @MAX teaches a system comprising: a media-playing

application in computer memory executing in a shell process of an operating system

(fig.13), wherein the media-playing application is capable of enabling a user to control

media through a user interface integrated into a taskbar associated with the shell

process (pg.2, par.1, lines 2-3).

As for dependent claim 15, @MAX teaches the system of claim 14, wherein preferences

for displaying the user interface in the taskbar are retained by the media-playing

application for future use (of course those skilled in the art will appreciate that when the

application closes and reopens its last status of position and preferences will be

retained such much of the startup of the program in (fig.1) wherein the user is presented

with the application as they closed it; Fig.14).

As for dependent claim 16, @MAX teaches the system of claim 14, wherein the media-

playing application is capable of receiving preferences for how the user interface is

displayed and used that are received from the user through another application

executing in the shell process (fig.14; wherein you see a dialog box coming from the

operating system which sets preferences to the media player).

As for dependent claim 17, @MAX teaches the system of claim 14, further comprising a

player deskband, wherein the player deskband is capable of receiving preferences

relating to the user interface and sending the preferences to the media-playing

application (of course those skilled in the art will appreciate that the above mentioned

program from @MAX uses a program module to communicate to the operating system

in order to display itself within the operating shell (fig.13) depicts the program running

on a computer system , wherein the program is communicating with the operating

system).

As for dependent claim 18, @MAX teaches the system of claim 14, wherein the media-playing application comprises a deskband and a controller, the deskband configured to communicate with the shell process and the operating system, the controller configured to enable the user to control media through the user interface (of course those skilled in the art will appreciated that @MAX uses a module to communicate to the operating system and the operating shell process, as noted before, the display of fig.1 and 13 provide evidence of such an action, also wherein the operating system handler/ listener is providing a means of a controller to listen for user interaction with the program to provide user control of media files as is what's imposed on the program (i.e. controller).

As for dependent claim 19, @MAX teaches the system of claim 14, wherein the media-playing application comprises a visual space and a user interface, the visual space usable for presenting visual media, the user interface capable of enabling the user to control the presenting (fig.3-4; note the above related claims directed towards visual space).

As for dependent claim 20, @MAX teaches the system of claim 14, wherein the media-playing application is capable of creating the user interface to have a minimum visual size on the taskbar (fig.14; wherein the user has the ability to adjust the size of the program as displayed in the taskbar).

As for dependent claim 21, @MAX teaches the system of claim 14, wherein the media-

playing application is capable of creating the user interface following a skin file

containing text, art, and script parameters (fig.14, skin tab; where features multiple skin

files).

As for dependent claim 22, @MAX teaches the system of claim 14, wherein the media-

playing application is capable of presenting visual media (fig.3-4; note the above related

claim analysis regarding visual media presentation within this program).

As for dependent claim 23, @MAX teaches the system of claim 14, wherein the media-

playing application is capable of presenting audio media (fig.6; wherein is being

displayed is metadata along with audio media being presented to the user

simultaneously).

As for dependent claim 24, @MAX teaches the system of claim 14, wherein the media-

playing application is capable of presenting metadata associated with a media file being

presented by the media-playing application (note the analysis of claim 23).

As for independent claim 25, @MAX teaches a system comprising: a controller; a

playback module; a visual space; and a user interface, wherein: the controller is capable

of creating the user interface; the user interface is integrated within an operating-system

shell's user interface and is capable of enabling a user to input preferences for play of a

media file; and the playback module is capable of rendering the media file to enable the controller to present the media file in the visual space (note the analysis of claims 8,11, 16,18 and 19; wherein it is appreciated that the above already analyzed claims are within the exact same similarity and it is well appreciated that the teachings of @MAX correspond to a program which in turn is related to a system, wherein this system performs the above mentioned subject matter as noted from the above analysis already).

As for dependent claim 26, @MAX teaches the system of claim 25, further comprising a deskband, wherein the deskband is capable of aiding the controller in determining parameters for the user interface to conform by communicating with an operating system that governs the operating-system shell's user interface (note the analysis of claims 17-18).

As for dependent claim 27, @MAX teaches the system of claim 25, further comprising a deskband, wherein the deskband is capable of building a file containing parameters for the user interface to conform to an operating-system shell governing the operating-system shell's user interface (note the analysis of claims 17-18).

As for dependent claim 28, @MAX teaches the system of claim 25, wherein the visual space is graphically connected to the user interface (fig.3).

As for dependent claim 29, @MAX teaches the system of claim 25, wherein the user

interface includes media-playing services that stop, play, pause, skip forward or

backward through, and change to a next or previous track of the media file (fig.1).

As for dependent claim 30, @MAX teaches the system of claim 25, wherein the user

interface includes media-playing services that stop, play, and pause the media file

(fig.1)

As for dependent claim 31, @MAX teaches the system of claim 25, wherein the user

interface is capable of enabling the user to input preferences through dragging and

dropping an icon representing a media file onto the visual space or the user interface

(pg.2, par.5, line1).

As for dependent claim 32, @MAX teaches the system of claim 25, wherein the user

interface and the playback module execute in different processes (fig.13; of course,

those skilled in the art will appreciate that explorer.exe or the like runs the operating

system graphical user interface while the trayplayer.exe handles the media player

program at hand).

As for dependent claim 33, @MAX teaches the system of claim 25, wherein the user

interface and the playback module execute in one process (note claim 32 analysis;

wherein of course, those skilled in the art will appreciate that one process can render

the interface as well as listen for incoming request from the user).

As for dependent claim 34, @MAX teaches the system of claim 25, wherein the user interface executes in a first process governing the operating system shell's user interface, the playback module executes in a second process, and the user interface includes a button to select a service that switches presentation of media from the visual space to a second visual space created by an application running in the second process (note the analysis of claims 33,32 and 25 above).

As for independent claim 35, @MAX teaches a method comprising: presenting a graphical user interface integrated into a taskbar user interface (pg.2, par.1, lines 2-3); and enabling, without the graphical user interface being in perspective (fig.9), a user to select media-playing services through the graphical user interface (fig.9; wherein the user may select one of the controls displayed).

As for dependent claim 36, @MAX the method of claim 35, wherein the enabling is performed also without the graphical user interface being in focus (fig.9).

As for dependent claim 37, @MAX the method of claim 35, further comprising: presenting a media file in accord with the selected media-playing services (fig.6).

As for dependent claim 38, @MAX the method of claim 35, further comprising:

presenting a visual media file in a visual space integrated with the graphical user interface in accord with the selected media-playing services (fig.3).

As for dependent claim 39, @MAX the method of claim 35, further comprising: presenting a visual media file in a visual space without the visual space being in perspective (fig.9 and 3).

As for dependent claim 40, @MAX the method of claim 35, further comprising: presenting a visual media file in a visual space without the visual space being in focus (fig.9 and 4).

As for independent claim 41, @MAX teaches a computer-readable medium (pg.1; of course those skilled in the art will appreciate that the download link from the corresponding page indicates that the program is to downloaded and comes in the form that of an installation.exe format wherein is stored on hard disk and can be stored on other suggested mediums as disclosed) comprising computer-executable instructions that perform the following when executed by a computer: present a media-control user interface in a first process for controlling services associated with playing media; and enable a user that is actively engaged with a non-media-control user interface in a second process to interact with the media-control user interface without disengaging from the non-media-control user interface (pg.2, par1, line 1 and par.6, line 1).

As for dependent claim 42, @MAX the computer-readable medium of claim 41, wherein

the interaction with the media-control user interface includes selection of a media

service (fig.6; wherein it is appreciated that the user can select the media services with

a logical device such that of a mouse, keyboard, stylus, etc).

As for dependent claim 43, @MAX the computer-readable medium of claim 41, wherein

the interaction with the media-control user interface includes selection of a media

service and consists of a single mouse click (pg.2, par.4, line 1).

As for dependent claim 44, @MAX the computer-readable medium of claim 41, wherein

the interaction with the media-control user interface includes selection of a media

service and consists of a single command (pg.2, par.4, line1).

As for dependent claim 45, @MAX the computer-readable medium of claim 41, wherein

the interaction with the media-control user interface includes selection of a media

service and consists of a single keystroke (pg.2, par.4, line1).

As for dependent claim 46, @MAX the computer-readable medium of claim 41, further

comprising: provide media-playing services based on the interaction (pg.2, par.4, line1).

As for dependent claim 47, @MAX the computer-readable medium of claim 41, further

comprising: present visual media in a visual space if the interaction includes a selection

to present visual media (fig.3-4; wherein the user is able to select any one of the media

files for display).

As for dependent claim 48, @MAX the computer-readable medium of claim 41, further

comprising: present visual media with aid from a playback module executing in the first

process if the interaction includes a selection to present visual media (fig.3-4 and 10;

wherein it is appreciated that if the user select a visual media that the media player will

display the visual data in a process as being that of claimed to a program stored on a

storage medium, thus the process goes through a routine set by program language to

play a visual media file).

As for dependent claim 49, @MAX the computer-readable medium of claim 41, further

comprising: present visual media with aid from a playback module executing in a third

process if the interaction includes a selection to present visual media (fig.4; wherein it is

appreciated that if the user select a visual media that the media player will display the

visual data in a process as being that of claimed to a program stored on a storage

medium, thus the process goes through a routine set by program language to play a

visual media file).

As for independent claim 50, @MAX teaches a computer-readable medium comprising

computer-executable instructions (note claim 41) that perform the following when

executed by a computer: create a first user interface with graphically selectable media-

control services and running in a first process; and enable selection of the media-control

services while a second user interface running in a second process remains in

perspective (pg.2, par.1 –6 and fig.1 and 6).

As for dependent claim 51, @MAX the computer-readable medium of claim 50, wherein

the media-control services include initiating and ceasing play of a media file (fig.1; play

and stop controls).

As for dependent claim 52, @MAX the computer-readable medium of claim 50, wherein

the selection of one or more of the media-control services is enabled with a single

mouse click (pg.2, par.4, line 1).

As for dependent claim 53, @MAX the computer-readable medium of claim 50, wherein

the first user interface is integrated into an operating system's taskbar (pg.2, par.1, lines

2-3).

As for dependent claim 54, @MAX the computer-readable medium of claim 50, wherein

the first process is used by an operating system for executing a taskbar (fig.13; wherein

it is appreciated of the executable program that handles the operating system graphical

user interface, i.e. explorer).

As for independent claim 55, @MAX teaches an apparatus comprising: means for

presenting a user interface in a first process for controlling services associated with playing media; and means for enabling a user interacting with a second process to interact with the user interface without ceasing to interact with the second process (note the analysis of claims 50,41,35,25,14 and 1).

As for dependent claim 56, @MAX the apparatus of claim 55, further comprising: means for playing a media file based on preferences received from the user during the interaction with the user interface (pg.2, par.1).

Conclusion

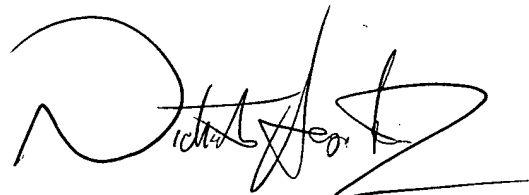The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Nason, David D. (US 6,727,918): for displaying addition display regions on the operating system, one such area designated to a media player for music and videos
- Wada et al (US 2005/0198220): displaying media in a taskbar
- Whittle et al (US 2005/0050301 A1): displaying media in a taskbar

Inquires

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas Augustine whose telephone number is 571-270-1056. The examiner can normally be reached on Monday - Friday: 7:30- 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Examiner
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11-30-2006

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